

Court of Appeals, State of Michigan

ORDER

Jacqueline Brooks v Bruce Campbell Dodge Inc

Docket No. 293039

LC No. 08-116907-NO

Brian K. Zahra
Presiding Judge

Kirsten Frank Kelly

Karen Fort Hood
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The application for leave to appeal is GRANTED, limited to the issues raised in the application. MCR 7.205(D)(4). The time for taking further steps in this appeal runs from the date of the Clerk's certification of this order. MCR 7.205(D)(3).

The motion for stay is GRANTED.

Judges Zahra and Kelly state that they would have granted peremptory reversal and remanded for entry of judgment in favor of defendant because there is no genuine issue of material fact regarding the open and obvious nature of the substance on which plaintiff allegedly slipped and fell. See *Riddle v McLouth Steel Products Corp*, 440 Mich 85, 96; 485 NW2d 676 (1992).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 14 2009

Date

Sandra Schultz Mengel
Chief Clerk